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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,958	12/30/2004	Kesatoshi Takeuchi	9319T-1031/NP	7349
27573                      7590                      04/15/2009 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303				
EXAMINER				
ADEYIGA, TEMITOPE A				
ART UNIT		PAPER NUMBER		
2622				
MAIL DATE		DELIVERY MODE		
04/15/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/519,958

**Applicant(s)**

TAKEUCHI ET AL.

**Examiner**

TEMITOPE ADEYIGA

**Art Unit**

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**10519958DETAILED ACTION**

***Response to Amendment***

1. Amendments to the claims were filed on January 7, 2009. Claims 1-4 are currently amended, claims 5-6 are cancelled, and claim 7 is newly presented.

***Response to Arguments***

2. Applicant's revision of the title of the invention, see page 6, filed January 7, 2009, has been fully considered. The objection of the title of the invention has been withdrawn.
3. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as over (US 6559883) hereinafter referred to as Fancher in view of (US 20040046871) hereinafter referred to as Ichikawa.

- a. **Claim 1** Fancher discloses "A recording control system for controlling recording of a recording object in a recording medium [Fancher item "video camera"] with a recording apparatus, wherein a surplus signal [Fancher item (IR)] that is outside the recognizable range of a person but within the recording sensitivity range of said recording apparatus is applied to the recording object [Fancher item 150], and the recording object affected by said surplus signal is recorded on

said recording medium, the recording control system comprising surplus signal generation means [Fancher item 130] for generating said surplus signal and irradiating said surplus signal to said recording object; surplus signal generation control means [Fancher item 120] for controlling the generation of the surplus signal and the suspension thereof; [Fancher Column 4; lines 33-67 and Figure 1.]”

- i. Fancher fails to disclose “ID transmission means for transmitting an ID assigned to said recording apparatus or to a person; and ID recognition means; wherein, when a specific ID is recognized, said control means suspends the generation of said surplus signal for a prescribed period of time.”
- ii. Ichikawa discloses a photographing apparatus which restrains one from imaging in any area where imaging is prohibited. Ichikawa discloses the concept of a image recording device having an ID associated with the device and the enabling of the device to record an image after the system, having received the ID information, recognizes that the device has the authorization to record the image, which reads on “ID transmission means (item 113) for transmitting an ID assigned to said recording apparatus or to a person; ID recognition means (item 101); wherein, when a specific ID is recognized, said control means suspends the generation of said surplus signal for a prescribed period of time. [Ichikawa ¶0087 to ¶0091]”

- iii. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fancher by providing "ID transmission means for transmitting an ID assigned to said recording apparatus or to a person; ID recognition means; wherein, when a specific ID is recognized, said control means suspends the generation of said surplus signal for a prescribed period of time," as disclosed by Ichikawa for the purpose of limiting imaging capabilities for copyright protection.

[Ichikawa ¶0026]

- b. **Claim 2** Fancher discloses "said recoding apparatus is imaging means for recording a photographic image on a recording medium [Fancher item "video camera"]; said surplus signal is barely visible light outside the recognizable range of a person [Fancher item (IR)]; and said barely visible light is contained within the recordable sensitivity range of said recording medium [Fancher item 110]."

[Fancher Column 4; lines 33-67]

- c. **Claim 3** Fancher discloses "A system according to claim 2, wherein said barely visible light is infrared light." [Fancher Column 3; lines 33-67 item 120]

- d. **Claim 4** Fancher discloses "A system according to claim 2, wherein said barely visible light is directed onto a photographic object together with or separate from illuminating light and wherein the reflected image of said photographic object is recorded on said recording medium." [Fancher Column 4; lines 33-67]

- e. **Claim 7** Fancher fails to disclose "said ID transmission means is provided in said recording apparatus or a portable communication terminal."
- i. Ichikawa discloses a portable terminal equipped with imaging apparatus. Ichikawa discloses "ID transmission means is provided in said recording apparatus or a portable communication terminal." [Ichikawa ¶0088]
- ii. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fancher by providing "ID transmission means is provided in said recording apparatus or a portable communication terminal" as disclosed by Ichikawa for the purpose of limiting imaging capabilities for copyright protection.
- [Ichikawa ¶0026 and ¶0004]

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TEMITOPE ADEYIGA whose telephone number is (571)270-3578. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571)272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lin Ye/  
Supervisory Patent Examiner, Art Unit 2622

/T. A./  
Examiner, Art Unit 2622

